

Remarks

Claims 1-27 are pending, and claims 1-27 stand rejected. Claims 1, 4-5, 10, 13-14, 19, and 22-23 are amended by this Response. The Applicants respectfully traverse the rejection and request allowance of claims 1-27.

Response to Examiner's Comments in Sections 4-5 of Office action

In sections 4-5 of the Office action, the Examiner states that the Applicants have improperly attacked the prior art references individually. The Applicants disagree. Assume a hypothetical claim includes limitations A and B, and an examiner rejects limitation A using reference 1 and rejects limitation B using reference 2. In response to the rejection, an applicant may properly show that reference 1 does not teach limitations A and B. The applicant may also show that reference 2 does not teach limitations A and B. If the applicant shows that neither reference 1 or 2 teaches limitations A and B, then the combination of references 1 and 2 cannot teach limitations A and B. Thus, attacking the references individually is entirely proper.

§ 102 Claim Rejections

The Examiner rejected claims 10-18 under 35 U.S.C. § 102 as anticipated by U.S. Patent Application Publication Number 2002/0029350 (Cooper). On page 3 of the Office Action, the Examiner states that because Cooper shows the structure of a processing system and an interface, Cooper consequently teaches claim 10 of the pending application. The Examiner did not consider the functional limitations of claims 10-18 and states that an apparatus claim must be distinguished from the prior art in terms of structure rather than function.

The Examiner cites *In re Danly* and *Ex parte Masham* in support of his assertion. When the novelty of an apparatus claim is its corresponding structure (as in *In re Danly* and *Ex parte Masham*), then the intended use of the apparatus cannot be used to distinguish the apparatus from the prior art. This is different than the intranet platform system of claim 10 of the pending application. First, claim 10 does not describe an "apparatus" but rather a "system". Second, claim 10 describes an intranet platform system where the novelty is in how a processing system functions (or is programmed to function) for the intranet platform system. The novelty is not in the structure of the intranet platform system itself. Therefore, the functional limitations of claim

10 are entirely proper to distinguish claim 10 from the prior art.

As an example, assume that a prior art reference teaches a shovel for shoveling dirt, the shovel having a handle and a shovel head affixed to an end of the handle. In a later application, one may not distinguish a new shovel (having the same structure as the prior art shovel) from this prior art shovel by stating that the new shovel will be used to shovel grain instead of dirt. The Applicants believe that the purpose of MPEP § 2114 is for situations such as this.

As another example, assume that a reference teaches a cell phone having a processor and an interface. Further assume that the processor does functions A, B, and C to provide analog communications to a user. In a later application, assume an applicant provides a claim for a PDA having a processor and an interface. The processor does functions X, Y, and Z to provide digital communications to the user along with an electronic date book. The novelty of the PDA is in the functionality of the processor. According to the Examiner's theory, the PDA would be anticipated by the cell phone reference based on the structure alone, even though the PDA performs different and novel functions to provide different services to the user. The Applicants find it hard to believe that the USPTO would back the Examiner's theory, as thousands of patents over the years would be invalid.

With all due respect to the Examiner, the Applicants ask that the Examiner discuss this matter clearly with his supervisor. If the rejection is maintained, the Applicants ask the Examiner to clearly state his position as to why functional limitations in a system claim cannot be used to distinguish from the prior art. The Applicants also invite the Examiner to review prior patents for the same assignee to see that multiple system claims have been allowed having the processing system-interface structure.

§ 103 Claim Rejections

The Examiner rejected claims 1-27 under 35 U.S.C. § 103 in view of Cooper and U.S. Patent Application Publication Number 2001/0054019 (de Fabrega). The Applicants submit that claims 1-27 are non-obvious over Cooper and de Fabrega.

Regarding independent claim 1 of the pending application, claim 1 provides the limitation of:

"processing the first intranet access information to execute a script to create the intranet configuration and to connect the first user to the intranet configuration to provide the intranet

services associated with the first intranet access card to the first user, wherein the intranet services provided depend on the intranet configuration” (emphasis provided)

First, neither Cooper nor de Fabrega teaches executing a script to create an intranet configuration. The pending application defines an “intranet configuration” as any connection or group of connections between one or more communication devices that provide intranet services. *See* application, page 5. Thus, in claim 1, based on the intranet access information provided by the intranet access card, the script creates connections within the intranet between communication devices that provide intranet services. Cooper does not teach or describe information on a card that creates connections within an intranet. Cooper focuses on providing connections and/or access to a network, but does not teach processing information on a card to create a particular configuration within an intranet. The User Access Card (UAC) described in Cooper merely provides a user ID and a PIN to authenticate the user so that the user may access the network. *See* Cooper, paragraph 287.

de Fabrega also does not teach or describe information on a card that creates connections within an intranet. Similar to Cooper, de Fabrega focuses on providing access to an e-commerce intranet. de Fabrega describes a card that includes financial account information, a log-on ID, a PIN, etc, to authenticate the user so that the user may access the e-commerce intranet and possibly purchase merchandise. However, de Fabrega does not teach processing information on a card to create a particular configuration within the e-commerce intranet.

To restate the Applicant’s point, there are two different configurations being discussed. The configuration of claim 1 involves configurations in the intranet. An example of a configuration in the intranet may be setting up connections to services A, B, and E in the intranet. The configurations described in Cooper and de Fabrega involve configurations to an intranet. An example of a configuration to an intranet may be a protocol and transport capacity for a dial-up connection to the intranet. Surely one skilled in the art would understand that configurations used to access an intranet are different than configuring the intranet itself.

Secondly, neither Cooper nor de Fabrega teaches an intranet configuration wherein the intranet services provided to a user depend on the particular intranet configuration. As previously stated, both Cooper and de Fabrega discuss accessing an intranet, and neither teaches deciding which services are available to a user based on the intranet configuration that is created.

Based on the above remarks, the Applicants submit that claim 1 is novel and non-obvious

over Cooper, de Fabrega, and any combination thereof. The Applicants further submit that independent claims 10 and 27, and the dependent claims, are novel and non-obvious for similar reasons.

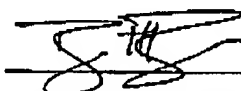
Conclusion

Based on the above remarks, the Applicants submit that claims 1-27 are allowable. There may be additional reasons in support of patentability, but such reasons are omitted in the interests of brevity. The Applicants respectfully request allowance of claims 1-27.

Any fees may be charged to deposit account 21-0765.

Respectfully submitted,

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SIGNATURE OF PRACTITIONER

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